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W.P.No.7174 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.7174 of 2013

and

W.M.P.No.1 of 2013

S. Dilli Babu

..... Petitioner

Vs.

1. Inspector General of Registration,
O/o.Inspector General of Registration,
Santhome,
Chennai-600 004.

2. The Sub-Registrar,
School Street,
Virugambakkam,
Chennai.

3. M.Jothi,

4. Kanniammal

5. B.Eswari

6. P.Prema

.....Respondents



W.P.No.7174 of 2013

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other Writ, or order or direction directing the 2nd Respondent to cancel the Registration of the Release deed dated 22.10.2010 executed by Respondents 4 to 6 in favour of the 3rd Respondent and registered as document No.5710 of 2010 on the file of Sub Registrar, Virugambakkam, Chennai.

For Petitioner	: M/s.G.Ravi Sankar
For Respondents	: Mr. Yogesh Kannadasan, Special Government Pleader for R1 & R2.

ORDER

The present petition has been filed seeking a direction to the 2nd Respondent to cancel the Registration of the Release deed dated 22.10.2010 executed by Respondents 4 to 6 in favour of the 3rd Respondent which was registered vide document No.5710 of 2010 on the file of the Sub Registrar, Virugambakkam, Chennai.

2. Learned counsel for the petitioner submits that Release deed in



W.P.No.7174 of 2013

respect of the subject property has been registered by the respondents 4 , 5 & 6 in favour of the 3rd Respondent, which is contrary to the order passed in O.S.A.No.330 of 2010 by the Division Bench of this Court. Aggrieved by the same, the petitioner being the executor of the will of the subject property, made a representation to the 2nd Respondent requesting to cancel the Registration of the Release deed dated 22.10.2010. However, till date, the same has not been considered. Hence, the petitioner has come up with this Writ Petition.

3. It is seen from the records that there is an order passed by the Division Bench of this Court in O.S.A.No.330 of 2010. Though the learned counsel for the petitioner claims that the order passed by the Division Bench has been breached, however, the respondents 4, 5 & 6 have not come before this Court alleging the contravention of the said order and further, as the sale transaction exists among the private respondents and the petitioner no way connected with the sale transaction, this Court cannot issue any affirmative direction to the official respondents herein as sought for in this Writ Petition. If at all the petitioner is aggrieved, the petitioner has to file



W.P.No.7174 of 2013

appropriate petition, with regard to the breach of order in O.S.A.No. 330 of 2010 and cannot seek a direction for cancellation of release deed.

4. In view of the above, this Writ Petition is disposed granting liberty to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

13.06.2022

NHS

Index : Yes / No

Internet : Yes / No

To

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W.P.No.7174 of 2013

M.DHANDAPANI, J.

NHS

W.P.No.7174 of 2013

13.06.2022